

UNITED STATES DISTRICT COURT  
DISTRICT OF MASSACHUSETTS

JOSEPH BOOK

Plaintiff,

v.

STATE TROOPER KURT M. FERRAZZANI,  
STATE TROOPER SMITH, STATE TROOPER  
McKENZIE, and STATE TROOPER HENNIGAN

Defendants.

C.A. NO. 04CV-11557-RCL

**PLAINTIFF'S ADDITIONAL PROPOSED SUPPLEMENTAL JURY INSTRUCTIONS**

Plaintiff Joseph Book ("Book") submits the following additional Proposed Supplemental Jury Instructions. Book reserves his right to supplement, amend, and/or withdraw any of the requested instructions prior to the charge of the jury.

**INSTRUCTION NO. 15**

**Collective Knowledge**

Law enforcement officials cooperating in an investigation are entitled to rely on each other's knowledge of facts when forming the conclusion that there is probable cause to believe that a suspect has committed or is committing a crime. In addition, under the doctrine of collective knowledge, where law enforcement authorities are cooperating in an investigation, the knowledge of one officer is presumed to be shared by all, and the officers collective knowledge may considered in determining if probable cause exists. The reverse is also true: if one officer knows of facts which would weigh against a finding of probable cause, knowledge of those facts is imputed to the other officers.<sup>1</sup>

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<sup>1</sup> Whiteley v. Warden, 401 U.S. 560 (1971); Illinois v. Andreas, 463 U.S. 765, 771 n. 5 (1983) ("where law enforcement authorities are cooperating in an investigation...the knowledge of one is presumed shared by all."); see also United States v. Meade, 110 F.3d 190, 194 FN2 (1<sup>st</sup> Cir. 1997); Burns v. Loranger, 907 F.2d 233, 236 n. 7 (1<sup>st</sup> Cir. 1990); See United States v. Bater, 830 F.Supp. 28, 36 (D. Mass. 1993), citing Whiteley, 401 U.S. at 568.

Respectfully submitted,

JOSEPH BOOK

By his attorneys,

December 5, 2006

/s/ Christopher H.M. Carter  
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CERTIFICATE OF SERVICE

I hereby certify that on 5<sup>th</sup> day of December, 2006, this document filed through the ECF system will be sent electronically to the registered participants as identified on the Notice of Electronic Filing (NEF) and paper copies will be sent to those indicated as non-registered participants.

/s/ Christopher H.M. Carter